

ZONING BOARD OF APPEALS

MARCH 16, 2015 MEETING MINUTES

Present: Chairman Ron Nolland, Kathleen Insley, Scott DeMane,
Connie Fisher
Joe McMahon, Building Inspector

ABSENT: Kathy Latinville (Alt.)

Also Present:

Appeal #2025 John Covey
Appeal #2028 Dave Davis
Appeal #2029 Dave Davis

Mr. Nolland called the meeting to order at 7:01 PM. The following items were on tonight's agenda.

APPEAL	APPLICANT	REQUEST
2025	JOHN & TINA COVEY 70 CORNELIA STREET	CLASS B VARIANCE REPLACE PORCH IN FRONT YARD SETBACK
2028	DAVID DAVIS 69 WALL STREET	CLASS A VARIANCE CONSTRUCT A 4 UNIT NEW APARTMENT BUILDING IN AN INDUSTRIAL DISTRICT
2029	DAVID DAVIS 69 WALL STREET	CLASS B VARIANCE REQUEST FOR LESS PARKING THAN REQUIRED, PAVING TO CLOSE TO PROPERTY LINE AND CONSTRUCT BUILDING WITHIN FRONT AND SIDE YARD SETBACKS

The **first** item heard was Appeal #2025, 70 Cornelia Street for a Class B Variance to replace a porch in the front yard setback.

[Meter 1:23]

This application did go to the county and was deemed a local issue.

Pictures were presented.

The applicant is requesting to tear down and rebuild a porch with the same dimensions except the roof will be different. Mr. Covey said it will now be a peak roof. The water will be controlled and go to each side and not go to neighboring properties.

Ms. Fisher asked if this will be an enclosed porch. Mr. Covey said no. It will have a railing and spindles.

Mr. Nolland advised the reason this came before the board is that the whole porch was being torn down.

AUDIENCE COMMENTS:

There being none, the chairman closed the Public Hearing portion of the meeting.
[Meter 4:00]

SHORT FORM SEQR:

CHANGES:

Page 1 of 3	#2 changed from "No" to "Yes."
Page 2 of 3	#8, b. c. Change to "Yes"
Page 2 of 3	#14 Check "Urban."

MOTION: PART 2:

By Mrs. Fisher, seconded by Mr. DeMane

ACCEPT PART 2 THAT ALL QUESTIONS WILL BE ANSWERED NO OR SMALL IMPACT

ALL IN FAVOR: 4

MOTION PART 3:

By Mr. DeMane , seconded by Ms. Insley

THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT BASED ON PART 2 AND ALLOW THE CHAIRMAN TO SIGN

ALL IN FAVOR: 4

MOTION:

By Ms. Insley, seconded by Mr. DeMane

THAT THE BOARD APPROVES APPEAL #2025 AND GRANTS THE CLASS B VARIANCE TO REPLACE THE EXISTING PORCH EXACTLY AS IT PRE-EXISTED WITH THE SAME DIMENSIONS AND SAME FOOTPRINT

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

The **next 2** items heard were Appeal #2028 and 2029, David Davis, 69 Wall Street. Appeal #2028 was a Class A Variance to Construct a 4 Unit New Apartment Building in a n Industrial District. Appeal #2029 was a Class B Variance for less parking than required, paving to close to the property line and construct building within front and side yard setback.

[Meter 11:36]

Mr. Nolland reviewed the correspondence from the departments and exhibits submitted.

Class A is a use variance because residential uses are not allowed in the industrial district. The Class B variance has several requests within it.

Mr. Nolland advised there were several correspondences received on the 4 unit apartment from people which he will read at some point but not tonight. One problem the board has is the rules for Class A variance are pretty specific. You have to show you can't get a reasonable return on investment any other way including any of the allowed uses in the district. The applicant cannot get a reasonable return putting an industrial building there.

Mr. Nolland advised Mr. Davis he must show that he cannot get a reasonable return on this property to grant the variance. The first problem with this application is there was no financial information submitted.

Mr. Davis advised he and his wife bought it to help clean up the neighborhood after Bombardier was built. He did offer to sell it to Bombardier due to the damage done to this property regarding the trailers going over the lawn.

Mr. Nolland advised the Board did not have the original investment numbers for this property. They also do not have the value of this property. Mr. Davis said it's valued at \$21,200.00. Mr. Nolland explained the profit and loss information needed for a Class A Variance. The Board wants the applicant to improve the property and come back with this application and do it the responsible way.

Mr. Nolland advised nothing will happen tonight due to the lack of information. To get pass the use variance, the applicant has to meet the 4 criteria.

Mr. Davis asked how can you honestly answer it's not self-created when you buy a dilapidated building. Mr. Nolland said he bought the property knowing its condition and knowing the present zoning. Now that is not to say this property affects property values way more than the neighborhood thought. Mr. Nolland reiterated the Board needs the financial information.

Mr. Nolland also advised he never remembered giving a variance for less parking spaces than they need to create multi-family housing. The Board also does not like to give variances to pave closer to the property line. The applicant also needs 20' of side yard setback on each side, which he only has it on 1 side.

Mr. Davis advised there are already duplexes in this neighborhood along with a 6 unit multi-family just up the road. This property sets back further now than almost everyone south of it and most of the ones north of it. He is proposing the setbacks go further than what is there now so it does not impede traffic. Mr. Nolland said this all changes when it's torn down.

Mr. Davis also advised this house, currently as it sits, is not habitable and does not meet any kind of standards and he, as a landlord, could sleep if someone was to live there.

Mr. Davis asked what was the correct information needed to submit for next month's meeting.

[Meter 23:06 - Mr. Nolland and Davis discussed number of units requested, running the numbers for different amount of units, setbacks, postponing these appeals, 6 letters submitted that do not support these appeals].

An audience person asked if they would be notified when these appeals return. Mr. McMahon said the bylaws don't require this but certainly we can do that.

MOTION:

By Mr. DeMane, seconded by Ms. Fisher

*TO POSTPONE APPEAL #2028 AND APPEAL #2029 FOR UP TO 2 MONTHS ON THE
BOARD'S BEHALF*

ALL IN FAVOR 4

MOTION PASSED

Motion to Adjourn:

By Mr. DeMane, seconded by Ms. Fisher

Adjourned at 7:40 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System in the Common Council Chambers. This is a true and accurate copy and transcription of the discussion.

Denise Nephew
Secretary
Zoning Board of Appeals